

J. RANDALL JONES, ESQ. (#1927)  
 MATTHEW S. CARTER, ESQ. (#9524)  
 KEMP, JONES & COULTHARD, LLP  
 3800 Howard Hughes Parkway  
 Seventeenth Floor  
 Las Vegas, Nevada 89169  
 Telephone: (702) 385-6000  
 Facsimile: (702) 385-6001  
 Email: [kjc@kempjones.com](mailto:kjc@kempjones.com)

MARK E. MILLER (*pro hac vice*)  
 TAB R. TURANO (*pro hac vice*)  
 MILLER FRIEL, PLLC  
 1200 New Hampshire Avenue  
 Suite 800  
 Washington, DC 20036  
 (P) (202) 760-3163 | (F) (202) 276-9363  
*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

RIMINI STREET, INC., a Nevada  
 Corporation,

Plaintiff,

v.

HARTFORD FIRE INSURANCE  
 COMPANY; HARTFORD ACCIDENT  
 AND INDEMNITY COMPANY;  
 HARTFORD CASUALTY INSURANCE  
 COMPANY; DOES 1 through X,  
 inclusive; and ROE CORPORATIONS I  
 through X, inclusive,

Defendants.

Case No. 2:15-CV-02292-JCM-CWH

**RIMINI STREET, INC'S.  
 OBJECTION TO HARTFORD'S  
 NOTICE OF RELATED CASES**

**TO BE FILED IN:**

No. 2:15-CV-02292-JCM-CWH  
 No. 2:10-CV-00106-LRH-PAL

Rimini Street, Inc. ("Rimini"), by and through its undersigned counsel, and pursuant to Local Rule 7-2.1, hereby Objects to the designation by Defendants, Hartford Fire Insurance Company, Hartford Accident and Indemnity Company, and Hartford Casualty

1 Insurance Company (collectively, "Hartford"), of this action as related to *Oracle USA, Inc.*,  
 2 *et al. v. Rimini Street, Inc., et al.*, No. 2:10-cv-00106-LRH-PAL (Jan. 25, 2010) (the "*Oracle*  
 3 lawsuit"). The two lawsuits are not "related cases" within the meaning of Local Rule 7-2.1.  
 4 Rather, Hartford's Notice is an improper attempt to interfere with the Court's standard case  
 5 assignment procedure and to reveal insurance information to a finder of fact in an unrelated  
 6 case. This action should remain before the assigned Judge, the Honorable James C. Mahan,  
 7 for the reasons further set forth below.

8 1. The *Oracle* lawsuit was filed in 2010, and assigned to the Honorable Larry R.  
 9 Hicks. The case involves allegations of copyright infringement, violations of state computer  
 10 abuse acts, and certain business torts. The lawsuit was tried beginning September 14, 2015,  
 11 and, on October 13, 2015, the jury rendered its verdict. The parties' motions for post-trial  
 12 relief, including Oracle's motions for interest and for attorneys' fees and costs, remain  
 13 pending before Judge Hicks as the finder of fact.

14 2. The instant action, in contrast, is an insurance coverage lawsuit that only  
 15 involves Rimini's request for a judicial declaration that Hartford is liable to provide  
 16 insurance coverage for damages and other sums which may ultimately be incurred in  
 17 connection with the *Oracle* lawsuit. Rimini first filed this claim on July 23, 2015, in the  
 18 District Court, Clark County, Nevada. On or about December 4, 2015, Hartford removed the  
 19 action to this Court and, subsequently, filed the Notice of Related Cases that is the subject of  
 20 this Objection.

21 3. This Court's General Order No. 2011-05, captioned *In re Matter of Assigment*  
 22 *of Civil and Criminal Cases* (Dec. 15, 2011) provides: "[t]o distribute cases among the  
 23 judges of this court pursuant to Title 28 U.S.C. § 137, the Clerk of the Court will randomly  
 24 assign civil and criminal cases to both the district and magistrate judges at the direction of  
 25 and with the approval of the Court."

26 4. The Court's General Order "evinces a policy of objectivity and fairness in the  
 27 distribution of all matters . . . that . . . is important to the fair administration of justice." *In re*  
 28

1 *Yagman*, 796 F.2d 1165, 1178 (9<sup>th</sup> Cir. 1986). Random assignment of cases by the Court  
 2 precludes indicia of bias and prevents the real, or perceived, appearance of judge shopping.  
 3 *In re Marshall*, 403 B.R. 668, 677 (C.D. Cal. 2009); *see also Tripp v. Executive Office of*  
 4 *President*, 196 F.R.D. 201, 202 (D.D.C. 2000) (“The fundamental rationale for the general  
 5 rule requiring random assignment of cases is to ensure greater public confidence in the  
 6 integrity of the judicial process”).

7 5. Local Rule 7-2.1 is the exception to the General Order. Local Rule 7-2.1  
 8 provides that “[a]n action may be considered related to another action when:

- 9 (a) Both actions involve the same parties and are based on the same or  
 10 similar claim;
- 11 (b) Both actions involved the same property, transaction or event;
- 12 (c) Both actions involve similar questions of fact and the same question of  
 13 law and their assignment to the same district judge and/or magistrate  
 14 judge is likely to effect a substantial savings of judicial effort, either  
 15 because the same result should follow in both actions or otherwise; or
- 16 (d) For any other reason, it would entail substantial duplication of labor if  
 17 the actions were heard by different distict judges or magistrate judges.”

18 L.R. 7-2-1(a)-(d)

19 6. “The Party requesting related-case designation and seeking to avoid random  
 20 assignment bears the burden of showing that cases are related” under the Local Rule. *U.S. v.*  
 21 *Volvo Constr. Equip.*, 922 F. Supp.2d 67, 68 (D.D.C. 2013)

22 7. Here, Hartford can demonstrate none of the relevant factors set forth in Local  
 23 Rule 7-2.1.

24 8. Hartford cannot, and does not, argue that this action and the *Oracle* lawsuit  
 25 involve the same parties and the same or similar claim.

26 9. Hartford cannot, and does not, contend that the two actions involve the same  
 27 property, transaction or event.  
 28

1           10. Similarly, Hartford cannot, and does not, contend that the two actions involve  
2 similar questions of fact and law. Indeed, this insurance action and the *Oracle* lawsuit  
3 involve separate and distinct parties, claims, transactions, events and legal issues.

4           11. Rather, Hartford points to L.R.7-2.1's "catch-all" provision, and suggests that  
5 adjudication of this case before Judge Hicks, who presided over the *Oracle* lawsuit, will  
6 result in "significant reduction in duplication of labor among the Judges and Magistrates of  
7 this Court." *See* Notice, ¶ 7. This simply is not the case.

8           12. Litigation of the instant insurance lawsuit will not require duplication of labor.  
9 While this matter addresses the question whether Rimini's liabilities in connection with the  
10 *Oracle* lawsuit are covered under insurance policies sold by Hartford, the subject matter and  
11 issues presented by the two actions are completely distinct. The *Oracle* lawsuit involved  
12 alleged copyright claims, statutory violations and various business torts, while this case  
13 involves solely issues of insurance contract interpretation.

14           13. Moreover, even if Hartford is correct in its suggestion that facts presented in the  
15 *Oracle* lawsuit may be relevant in this action, those facts will be set forth in the findings of  
16 the Court in the *Oracle* lawsuit or as already determined by the jury verdict. Moreover, this  
17 lawsuit will likely be decided either by dispositive motions, through which the parties will  
18 present the Court with the evidence and argument necessary to resolve the issues in dispute,  
19 or by a jury after trial. Review by this Court of such facts and other materials relevant to this  
20 insurance dispute will not, therefore, result in a significant duplication of labor among the  
21 Judges and Magistrates of this Court.

22           7. In sum, there is no basis to suggest that abiding by the Court's random  
23 assignment of this lawsuit to Judge Mahan will result in "substantial duplication of labor" by  
24 the Court as required by Local Rule 7-2.1 to reassign this matter to a different judge. Indeed,  
25 under Hartford's reasoning, every insurance coverage action would be a "related case" to the  
26 underlying dispute, and this simply is not the case.

1 For these reasons, Rimini respectfully requests that this case not be considered a  
2 related case to the *Oracle* lawsuit.

3 DATED this 11<sup>th</sup> day of December, 2015.

4 KEMP, JONES & COULTHARD, LLP

5 /s/ Matthew S. Carter

6 J. RANDALL JONES, ESQ. (#1927)  
7 MATTHEW S. CARTER, ESQ. (#9524)  
8 KEMP, JONES & COULTHARD, LLP  
9 3800 Howard Hughes Parkway  
10 Seventeenth Floor  
11 Las Vegas, Nevada 89169

12 MARK E. MILLER (*pro hac vice*)  
13 TAB R. TURANO (*pro hac vice*)  
14 MILLER FRIEL, PLLC  
15 1200 New Hampshire Avenue  
16 Suite 800  
17 Washington, DC 20036  
18 *Attorneys for Plaintiff*

19 **CERTIFICATE OF SERVICE**

20 I HEREBY CERTIFY that on the 11<sup>th</sup> day of December, 2015, I served **RIMINI**  
21 **STREET, INC'S. OBJECTION TO HARTFORD'S NOTICE OF RELATED CASES**  
22 through the CM/ECF system of the United States District Court for the District of Nevada on  
23 the parties listed on the e-service list.

24 /s/ Pamela Montgomery

25 An employee of Kemp, Jones & Coulthard, LLP  
26  
27  
28

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
Las Vegas, Nevada 89169  
Tel. (702) 385-6000 • Fax: (702) 385-6001  
kje@kempjones.com